

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MAY 27, 1997  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Warden at 10:14 a.m. The meeting was recessed by Deputy Mayor Warden at 10:51 a.m. to convene the Redevelopment Agency. The meeting was reconvened by Deputy Mayor Warden at 10:56 a.m. with Mayor Golding not present.

Deputy Mayor Warden adjourned the meeting at 12:26 p.m. into Closed Session on Tuesday, June 3, 1997, at 9:00 a.m. in the twelfth floor conference room to discuss pending and existing litigation and property acquisition.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Richard Hensgen of the First Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stallings.

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on the California Joint Exercise of Powers Entity. He asked if there was a list of requirements for the creation of this entity. His definition would be two different groups of people with different goals. Mr. Stillwell said the Public Facilities Financing Authority of the City of San Diego was created a joint exercise of power entity by agencies with different names, but the same players. He asked how the City could call the Public Facilities Financing Authority a joint exercise of power entity when it's created by two agencies with the same characters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-056.)

ITEM-PC-2:

R. D. Lawson commented on equal opportunity. Mr. Lawson said in front of the Grant Hotel is the American flag and the Mexican flag, but not an equal opportunity flag. He said we need to have peace in this land.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-063.)

ITEM-PC-3:

Father Sky commented on the government and the media. He said this nation was founded by people who wanted religious freedom, and freedom from oppression. Father Sky said this nation is run by special interest groups, the privileged, the elite, and the rich, and the media is the primary instigator.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A064-086.)

ITEM-PC-4:

Mel Shapiro commented on making financial reports public knowledge. He said for years the Housing Commission issued quarterly reports on the number of units built, financed, and rehabilitated. It also made known how many homeowners were assisted and how many renters were assisted. Now, he said, without any reason, they have stopped issuing these reports. Mr. Shapiro said use of public funds is supposed to be public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A087-102.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Kehoe informed Deputy Mayor Warden and all Councilmembers that last week her district completed their Fourth Annual 3rd District Essay Contest. This year she said they concentrated on high

school-aged children and all the high schools in her district participated. The topic was "How" is Technology Changing Our Lives Today? They had two winners; one student was from Our Lady of Peace, and the other from San Diego High. Council Member Kehoe thanked the business community for coming forward with awards.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A105-119.)

ITEM-CC-2:

Council Member McCarty recounted her visit with Former Council Member Helen Cobb. Ms. Cobb was the first female City Councilmember and served from 1961 through 1971. Council Member McCarty said Ms. Cobb served with two mayors and two managers. She also served at a time when the districts were increased from 6 to 8, and 3 bond issues were put on the ballot; however, the bonds all failed. Ms. Cobb was also instrumental in bringing the major leagues to San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A120-138.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

4/28/97  
4/29/97  
4/29/97 Special Joint Meeting  
5/05/97  
5/06/97

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A103-105.)

MOTION BY STEVENS TO APPROVE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-31:

SUBJECT: Bike to Work Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1197) ADOPTED AS RESOLUTION R-288672

Proclaiming May 22, 1997 to be "Bike to Work Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-170.)

MOTION BY KEHOE TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-50:

SUBJECT: Salary Ordinance for FY 1997-98.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/13/97. (Council voted 8-0. Councilmember Kehoe not present. Councilmembers Mathis, Wear and Vargas voted nay on the Council Salary portion only):

(O-97-108) ADOPTED AS ORDINANCE O-18406 (New series)

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1997-98.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C260-D084)

Motion by Vargas to adopt as amended setting the City Clerk's salary at \$105,000 and direct the City Attorney to incorporate that and provide the proper paperwork. Second by Wear. No vote taken.

SUBSTITUTE MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE WITH DIRECTION TO REFER TO RULES COMMITTEE, THE POLICY OF SALARY SETTING FOR THE POSITIONS DISCUSSED TODAY AND PERFORMANCE REVIEWS (COUNCIL POLICY 300-4); AND ACCEPT COUNCIL MEMBER VARGAS' REQUEST TO SEPARATE THE MOTION INTO TWO PARTS, 1)THE ACTUAL ORDINANCE; 2)THE POLICY ISSUE. Second by Mathis.

1)THE ACTUAL ORDINANCE - VOTE: Mathis-yea (nay on Council portion); Wear-yea (nay on Council portion); Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea (nay on Council portion); Mayor Golding-not present.

2)POLICY ISSUE-VOTE: Mathis-yea; Wear-nay; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-nay; Mayor Golding-not present.

\* ITEM-51:

SUBJECT: Amendment to the Del Mar Mesa Specific Plan.

(North City Future Urbanizing Area (Subarea V).  
District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/13/97. (Council voted 8-0. District 3 not present.):

(O-97-99) ADOPTED AS ORDINANCE O-18407 (New series)

Amending the Del Mar Mesa Specific Plan. The provision of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as an amendment to the City's Local Coastal Program.

FILE LOCATION: LAND - Del Mar Mesa Specific Plan

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-52:

SUBJECT: Rezoning to Implement the Otay Mesa-Nestor Community Plan Update.

(Otay Mesa-Nestor Community Area. Districts-2 & 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 5/6/97. (Council voted 8-0. Councilmember Warden not present):

(O-97-103 Rev.)            ADOPTED AS ORDINANCE O-18408 (New series)

Incorporating various properties located in the Otay Mesa-Nestor Community Plan Area, into the M-1B, R1-40,000, R-3000, R-1500, CN, and CR Zones.

FILE LOCATION:            ZONE - O-18408

COUNCIL ACTION:            (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-53:

SUBJECT: Two actions related to Lease and Joint-Use Agreement for Ocean Beach Elementary School Joint-Use Turf Field.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A:    (O-97-110)    INTRODUCED, TO BE ADOPTED  
JUNE 9, 1997

Introduction of an Ordinance authorizing the City Manager to execute a 25-year agreement with the San

Diego Unified School District for the construction, operation, maintenance and lease of a turfed field and recreation facilities at Ocean Beach Elementary School.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (R-97-1192) ADOPTED AS RESOLUTION R-288673

Adoption of a Resolution authorizing the City Auditor and Comptroller to expend \$107,977 from Community Development Block Grant, Fund No. 18530 and \$96,000 from Community Development Block Grant, Fund No. 18532 for payment to the San Diego Unified School District for construction of the joint use facility;

Authorizing the City Auditor and Comptroller to expend \$17,583 from Community Development Block Grant, Fund No. 18530 for City staff project administration costs.

CITY MANAGER SUPPORTING INFORMATION:

On July 26, 1977, City Council approved Ordinance O-12114, authorizing the City Manager to enter into a 25-year agreement for the lease and maintenance of a 1.2 acre dirt softball field. The proposed lease agreement provides for a twenty-five year no-fee joint-use turfed field on the Ocean Beach Elementary School site. The terms of the agreement allow for the development, operation and maintenance of an irrigated and turfed multi-use playing field, paving, fencing and landscaping on approximately 1.2 acres. The City shall be responsible for design and maintenance of the joint-use field and associated amenities. The District shall be responsible for bidding the project and providing for inspection during construction.

FISCAL IMPACT:

Funds in the amounts of \$107,977 are available in Community Development Block Grant, Fund No. 18530, \$96,000 in Community Development Block Grant, Fund No. 18532, and \$17,583 Community Development Block Grant, Fund No. 18530, for the purpose of constructing the joint use facility.

Aud. Cert. 9701067.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND ADOPT



THE RESOLUTION. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-54:

SUBJECT: Two actions related to Lease and Joint-Use Agreement for Garfield Elementary School Annex and North Park Community Park Joint-Use Facility.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-97-109) INTRODUCED, TO BE ADOPTED  
JUNE 9, 1997

Introduction of an Ordinance authorizing the City Manager to execute a 25-year agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of a turfed field and recreational facility at Garfield Elementary School Annex and North Park Community Park.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (R-97-1191) ADOPTED AS RESOLUTION R-288674

Adoption of a Resolution authorizing the City Auditor and Comptroller to expend \$470,000 from Park North-East Park Development Fund, Fund No. 39095, for payment to the San Diego Unified School District as the City's contribution toward the cost of joint-use area land and related improvements for the project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed lease agreement provides for a twenty-five year, no-fee, joint-use facility on the future Garfield Elementary School Annex and the North Park Community Park sites. The Elementary School is scheduled to open September 1998. The terms of the agreement allow for the construction, operation and maintenance of an irrigated turf play field, multi-use hard courts, and playground on City property, and an outdoor amphitheater, lunch court and kindergarten play area on District

property.

FISCAL IMPACT:

The City has agreed to contribute \$470,000 toward the development of the joint-use facilities. Funds are available in Park North-East Park Development Fund, Fund No. 39095 for this purpose.

Aud. Cert. 9701068.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-55:

SUBJECT: Two actions related to a 25-year Lease and Joint Use Agreement with the San Diego Unified School District for the Rosa Parks Elementary School and City Heights Community Park.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-97-107) INTRODUCED, TO BE ADOPTED  
JUNE 9, 1997

Introduction of an Ordinance authorizing a 25-year agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of a turfed field and recreation facilities at Rosa Parks Elementary School and City Heights Community Park.

NOTE: 6 votes required for Subitem A pursuant to Section 99 of the City Charter.

Subitem-B: (R-97-1190) ADOPTED AS RESOLUTION R-288675

Authorizing the City Auditor and Comptroller to transfer \$45,000 from CIP-29-700.0, City Heights Community Park Development Phase III, Mid-City Park Development Fund No. 39094, to CIP-39-219.0, City Heights Urban Village Library/Park Project;

Authorizing the City Auditor and Comptroller to expend \$45,000 from CIP-39-219.0, City Heights Urban Village Library/Park Project, Mid-City Park Development Fund No. 39094 for this purpose.

CITY MANAGER SUPPORTING INFORMATION:

The proposed lease agreement provides for a twenty-five year no-fee joint-use facility on the City Heights Community Park Site. The terms of the agreement allow for the development, operation and maintenance of an irrigated and turfed multi-use playing field of approximately 6.4 acres (on City property), and joint-use of hard court areas and parking areas of approximately 1.7 acres (of San Diego Unified School District property). The City, via a development agreement with CitiLink Development, shall be responsible for the design and construction of the turfed field. The District will contribute \$264,000 to the City towards construction of the turf fields and will be responsible for maintenance of the joint-use facility. Initially, Mid-City Park Development Funds in the amount of \$45,000 were identified for use in preparing street closure plans required for the joint-use facility. Since these documents have been prepared by the School District, the funding is being transferred into the City Heights Urban Village Project to supplement previously approved funding.

FISCAL IMPACT:

With this action funding in the amount of \$45,000 will be made available in CIP-39-219.0, City Heights Urban Village Library/Park Project, Mid-City Park Development Fund, Fund No. 39094.

Culbreth-Graft/McLatchy/TM

Aud. Cert. 9701069.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,

Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-not present.

\* ITEM-56:

SUBJECT: Four actions related to Challenger Middle  
School/Winterwood Lane Community Park Joint Use  
Facility and Certifying Environmental Negative  
Declaration LDR-96-0575.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolutions:

Subitem-A: (O-97-111) INTRODUCED, TO BE ADOPTED  
JUNE 9, 1997

Introduction of an Ordinance authorizing the City  
Manager to execute a lease agreement with the San Diego  
Unified School District for the construction,  
operation, maintenance and lease of a turfed field and  
recreation facilities at the Challenger Middle  
School/Winterwood Lane Community Park Site.

NOTE: 6 votes required pursuant to Section 99 of the  
City Charter.

Subitem-B: (R-97-1189) ADOPTED AS RESOLUTION R-288676

Adoption of a Resolution authorizing a first amendment  
to the agreement with Marum and Associates for  
professional services required for Challenger Middle  
School/Winterwood Lane Community Park Joint Use  
Facility;

Authorizing the City Auditor and Comptroller to amend  
the FY 97 Capital Improvement Program Budget by  
increasing CIP-29-716.0, Winterwood Lane Community Park  
Development by \$50,700 for a total of \$80,700;

Authorizing the City Auditor and Comptroller to  
appropriate, transfer and expend from FBA Fund No.  
79006 to CIP-29-716.0, Winterwood Lane Community Park  
Development.

Subitem-C: (R-97-1184) ADOPTED AS RESOLUTION R-288677

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration No. LDR-96-0575, in connection with Challenger Middle School Joint Use Recreational Facility, has been completed in compliance with the California Environmental Quality Act of 1970, as amended and State guidelines;

Declaring that the negative declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the negative declaration has been reviewed and considered by the Council prior to approval of the project.

Subitem-D: (R-97-1183) ADOPTED AS RESOLUTION R-288678

Adoption of a Resolution amending the FY 97 Capital Improvement Program budget by increasing CIP-29-716.0, Winterwood Lane Community Park Development, by \$549,385;

Authorizing the City Auditor and Comptroller to appropriate, transfer and expend \$600,085 from Facilities Benefit Assessment Fund No. 79006 to CIP-29-716.0, Winterwood Lane Community Park Development.

#### CITY MANAGER SUPPORTING INFORMATION:

The proposed first amendment to the agreement with Marum Associates will enable the professional services required for the design and construction of Challenger Middle School/Winterwood Lane Community Park Joint Use Facility. The approximately 7.0 acre site is located primarily at Challenger Middle School, 10810 Parkdale Avenue between Bendigo Road and Alcamo Road, with a .48 acre portion of the existing, developed Winterwood Lane Park also included in the Joint use area. This project does not impact any undeveloped land on the proposed Winterwood Lane Community Park site. Proposed site improvements include turfing the existing decomposed granite ballfields, backstops, bleachers, multi-purpose courts, ballfield lighting, security lighting and concrete basketball courts.

#### FISCAL IMPACT:

The estimated total project cost is \$783,700, of which \$183,615 has been previously authorized. The consultant's fee is \$148,700 of which \$65,000 has been previously authorized for design services. The additional \$83,700 fee is for preparation of construction drawings, and reimbursable expenses and additional

work requested by the City. Funds for this purpose and construction of the joint use facility, in the amount of \$600,085, are available in Facilities Benefits Assessments Fund No. 79006. The balance of \$183,615 is available in CIP-29-716.0, Winterwood Lane Community Park Development, Facilities Benefit Assessment Fund No. 79006. The estimated annual maintenance cost for these facilities is \$22,500.

Aud. Cert. 9701115.

FILE LOCATION: Subitem A: NONE; Subitems B,C,D: MEET  
CCONTFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-100:

SUBJECT: Amending the Legislative Calendar.

(See memorandum from Mayor Golding dated 5/8/97).

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1210 Rev.) ADOPTED AS AMENDED AS RESOLUTION  
R-288679

Amending the schedule of meetings for the City Council and Standing Committees of the City Council, for the month of June 1997, by adding a meeting of the City Council Committee on Rules, Finance and Intergovernmental Relations, for Monday, June 2, 1997 at 10:00 a.m. in the Council Committee Room.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT AS AMENDED CHANGING THE START TIME OF THE MEETING TO 9:00 A.M. AND CHANGING THE LOCATION TO THE SILVER ROOM IN THE CONCOURSE AS REQUESTED BY

DEPUTY MAYOR WARDEN. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-101:

SUBJECT: Award of Contract for Gasoline and Diesel Fuel.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-199) ADOPTED AS RESOLUTION R-288680

Awarding a contract to Southern Counties Oil Co. (Orange, California), Chevron Products Co. (Walnut Creek, California), and TNB Inc., dba Buck Petroleum Co. (El Cajon, California), for furnishing gasoline and diesel fuel, as may be required for a period of one year beginning May 1, 1997 through April 30, 1998, with options to renew for four additional one year periods. (BID-P6168/97)

CITY MANAGER SUPPORTING INFORMATION:

Thirty-three potential bidders were contacted, eight bids were received. This contract is a co-operative bid with the City of Chula Vista, City of Carlsbad, and the San Diego Unified Port District for furnishing gasoline and diesel fuel to various sites. Primary using departments for the City of San Diego are Fire, Police, and Public Works. The City of San Diego portion for the initial contract period is approximately \$4,000,000. The contract references OPIS, the Oil Pricing Information Service, which lists the weekly prices of six major fuel suppliers in San Diego. The bidders indicate a plus or minus cents per gallon from the average price of the six fuel suppliers listed in the weekly publication. The apparent low bidder on Sections III and IV, Southern Counties Oil Co., qualified their bid by setting a minimum delivery of 4,000 gallons, with an upcharge for smaller deliveries, thereby not remaining the low bid. The next low bidder, TNB, Inc. indicated no upcharges. There is no way to compare actual net prices against prior contract periods as the market fluctuates; however, overall fuel prices seem consistent with the last contract period. The following is a break down of the differential against OPIS average that the City will pay per gallon compared to the last contract:

Gasoline - Large Deliveries (Section I)  
Was OPIS - .02035 cents  
Now - .0306 cents  
.01025 cents less per gallon

Diesel - Large Deliveries (Section II)  
Was OPIS + .0064 cents  
Now - .1500 cents  
.1564 cents more per gallon

Gasoline - Small Deliveries (Section III)  
Was OPIS + .0150 cents  
Now + .08098 cents  
.06598 cents more per gallon

Diesel - Small Deliveries (Section IV)  
Was OPIS + .04877 cents  
Now + .05750 cents  
.00873 cents more per gallon

FILE LOCATION: PURCHASE CONTFY97-3

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-102:

SUBJECT: Inviting Bids for the Construction of the Point Loma  
Slope Landscape Project.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1117) ADOPTED AS RESOLUTION R-288681

Inviting bids for the Construction of the Point Loma  
Slope Landscape Project on Work Order No. 172931;

Authorizing a contract with the lowest responsible  
bidder, provided that the City Auditor first furnishes  
a certificate demonstrating that funds necessary for



expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to transfer \$205,000 within Sewer Fund No. 41508, from CIP-46-179.0, Point Loma - Power Generation & Distribution Upgrade, to CIP-46-176.0, Point Loma - Slope Landscape Project;

Authorizing the expenditure of not to exceed \$442,508 (included in the amount shall be \$195,000 previously authorized by City Manager Action C-07465, dated October 31, 1996) from Sewer Fund No. 41508, CIP-46-175.0, Point Loma - Slope Landscape Project, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces for additional minor construction services related to this project; declaring that the cost of the work done by City Forces shall not exceed \$5,000. (BID-K97105A)

#### CITY MANAGER SUPPORTING INFORMATION:

The proposed Slope Landscape Project is located behind and east of the six large digesters at the Point Loma Wastewater Treatment Plant (PLWTP), and consists of approximately six acres of steep hillside that includes areas of native vegetation, non-native ornamental vegetation, and intermittent areas of barren ground devoid of vegetation. The project site lies within the property boundaries of the PLWTP and is only visible when viewed from the Pacific Ocean and PLWTP, looking east. Successful landscaping of these slopes is difficult and has been deferred for over 33 years. However, current planting and hydroseeding techniques now make it feasible to plant such steep slopes, and the proposed project will be used to enhance the PLWTP's visual appearance. The project site, which rises to over 260 feet above mean sea level, will be planted with native vegetation (small container plants), and then hydroseeded after a temporary drip irrigation system has been installed to ensure plant establishment. This Slope Landscape Project represents one of the major implementations proposed by Mathieu Gregoire in his Report on Landscape, Architectural and Aesthetic Improvements to the Point Loma Wastewater Treatment Plant. The City of San Diego will

procure a separate contract for the Slope Landscape Portion of the Point Loma - Water Tank and Pipeline Project.

Aud. Cert. 9701109.

FILE LOCATION: W.O. 172931 CONTFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-103:

SUBJECT: Three actions related to the Final Subdivision Map of South Creek Parcels 35-48 Unit No. 9.

(Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1107) ADOPTED AS RESOLUTION R-288682

Approving the final map.

Subitem-B: (R-97-1108) ADOPTED AS RESOLUTION R-288683

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of public improvements.

Subitem-C: (R-97-1109) ADOPTED AS RESOLUTION R-288684

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company for the installation and completion of public improvements.

CITY MANAGER SUPPORTING INFORMATION:

On January 28, 1997 the City Council of the City of San Diego approved Vesting Tentative Map VTM-96-0442 for South Creek Parcels 35-48 Unit No. 9. The public improvements required for this subdivision are shown in detail in Drawing Nos. 28426-1-D through 28426-26-D filed in the Office of the City Clerk under

Micro Number 139.31. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$968,840 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$15,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Sabre Springs Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development." Subdivider shall enter into a landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. A Performance Bond in the amount of \$103,918 has been provided to ensure the maintenance of the landscape improvements. Subdivider has just completed a 3 year maintenance and monitoring period for the Penasquitos Creek revegetation program. The final report is currently being completed.

FILE LOCATION: Subitems A,B,C: SUBD - South Creek  
Parcels 35-48 Unit No. 9  
CONTFY97-2

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT THE RESOLUTIONS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-104:

SUBJECT: Two actions related to the Final Subdivision Map of South Creek Parcels 35-48 Unit Nos. 11 and 12.

(A 93-lot subdivision. Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1105) ADOPTED AS RESOLUTION R-288685

Approving the final map.

Subitem-B: (R-97-1106) ADOPTED AS RESOLUTION R-288686

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

CITY MANAGER SUPPORTING INFORMATION:

On January 28, 1997 the City Council of the City of San Diego approved Vesting Tentative Map VTM-96-0442 for South Creek Parcels 35-48 Unit Nos. 11 and 12. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28421-1-D through 28421-30-D, filed in the Office of the City Clerk under Micro Number 139.32. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,456,134 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$27,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Sabre Springs Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

FILE LOCATION: Subitems A,B: SUBD - South Creek  
Parcels 35-48 Unit Nos. 11 and 12  
CONFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT THE RESOLUTIONS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,

McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-105:

SUBJECT: Two actions related to the Business Improvement District Budgets for Fiscal Year 1998.

(Mid-City, Centre City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Southeast San Diego, College Area, Mission Beach, and Pacific Beach Community Areas. Districts-1,2,3,4,& 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1194) ADOPTED AS RESOLUTION R-288687

Accepting the Budget Report for each Business Improvement District for July 1, 1997 through June 30, 1998 (FY 1998).

Subitem-B: (R-97-1195) ADOPTED AS RESOLUTION R-288688

Resolution of Intention to levy an annual assessment within previously established Business Improvement Districts for July 1, 1997 through June 30, 1998 (FY 1998); and setting June 10, 1997 as the noticed public hearing for that purpose.

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized by State law to assess benefitted businesses for the cost of certain activities. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 16 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Gateway, El Cajon Boulevard Center, Gaslamp, Hillcrest, La Jolla, Little Italy, Mission Hills, North Park, Ocean Beach, Old Town, and Pacific Beach. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: accept the budget reports and set Tuesday, June 10, 1997 for the public hearing to levy the proposed assessment for each BID for FY 1998.

ATTORNEY'S STATEMENT:

In Attorney opinion ML-97-2 dated January 10, 1997, the City Attorney opined that the provisions of Proposition 218 did not apply to Business License-Based Business Improvement Districts in San Diego.

FILE LOCATION:           Subitems A,B:   STRT - L-1; L-2; L-3;  
                              L-4; L-5; L-6; L-7; L-8; L-9; L-11;  
                              L-12; L-13; L-14; L-15; L-16; L-17

COUNCIL ACTION:        (Tape location:   B466-C020.)

MOTION BY KEHOE TO APPROVE THE MANAGER'S REPORT AND ADOPT THE RESOLUTIONS.   Second by Wear.   Passed by the following vote:   Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-106:

SUBJECT:   Public Utilities Easement Abandonment within Lots 69 Through 71, Map-1505, Boulevard Gardens Subdivision.

(Linda Vista Community Area.   District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1157)   ADOPTED AS RESOLUTION R-288689

Vacating a general utility easement located within Lots 69 through 71, Map-1505, Boulevard Gardens Subdivision.

CITY MANAGER SUPPORTING INFORMATION:

The proposed general utility easement abandonment has been requested by the applicant in order to unencumber the property. The general utility easement was initially recorded on March 3, 1958 in Book No. 7021, Page Nos. 419, 421, and 423. The easement was acquired at no cost to the City and has never been used for the purpose intended. Staff review of the easement abandonment has indicated that the easement is no longer required. The general utility easement to be vacated is not needed for present or prospective general utility purposes. The vacation is not inconsistent with the General Plan or an approved Community Plan. The public will benefit from the vacation through improved

utilization of land. The general utility system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. With these four required findings the abandonment can be made. The General Utility Easement qualifies for summary proceedings and may be summarily vacated.

FILE LOCATION: DEED F-6985 DEEDFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-107:

SUBJECT: Water Easement Set Aside in Parcel 1 of Parcel Map  
PM-14743.

(Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1128) ADOPTED AS RESOLUTION R-288690

Setting aside a water easement in City-owned land in a  
portion of Parcel 1 of Parcel Map PM-14743, for the  
Carmel Mountain Ranch Recreation Center.

CITY MANAGER SUPPORTING INFORMATION:

This water easement set aside is required for the Carmel Mountain Ranch Recreation center. The project consists of the development of a recreation building and multi-use court within the existing Carmel Mountain Ranch Community Park. The proposed improvements will be located adjacent to Chicarita Creek which runs through the western portion of the park. This action is required for the public improvements per Drawing No. 28123-D. A set aside is a record of the right-of-way location of public utilities. The City cannot grant itself an easement, therefore, a set aside is necessary to insure that an easement is reserved in case of future sale of the property or future relocation of the utility facilities. Council approval is needed to encumber City-owned property.

FILE LOCATION: DEED F-6986 DEEDFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-108:

SUBJECT: Tax and Revenue Anticipation Notes (TANS) for Fiscal  
Year 1997-98.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1125) ADOPTED AS RESOLUTION R-288691

Authorizing the issuance of Tax Anticipation Notes  
(Notes) in up to 2 series for Fiscal Year 1997-98 in an  
amount not to exceed \$100,000,000;

Authorizing the City Manager to sell the Notes at  
negotiated sale in accordance with the Note Purchase  
Agreement, provided the total interest cost of the  
Notes shall not exceed 6.5 percent and the aggregate  
principal amount of the Notes shall not exceed the  
lesser of \$100,000,000, or the amount permitted under  
the Authorizing Law;

Authorizing the City Manager to execute an agreement  
with Stradling, Yocca, Carlson & Rauth, to act as Bond  
Counsel for the issuance of the Notes;

Authorizing the City Manager to execute an agreement  
with Orrick, Herrington & Sutcliff, to act as  
Disclosure Counsel for the issuance of the Notes;

Authorizing the City Manager to execute an agreement  
with Bear Stearns & Co., Inc. and Rideau Lyons & Co.,  
Inc., to act as underwriters with respect to the Notes;

Authorizing the City Manager to execute the  
Accompanying Document, including the Note Purchase  
Agreement and a Continuing Disclosure Certificate;



Authorizing the City Manager to accept the final terms of the Series A Notes, on or before August 30, 1997, and the Series B Notes on or before December 15, 1997, provided that the total interest cost of the Notes shall not exceed 6.5 percent, and the aggregate principal amount of the Notes shall not exceed the lesser of \$100,000,000 or the amount permitted under the Authorizing Law;

Approving the proposed form of the Preliminary Official Statement.

CITY MANAGER SUPPORTING INFORMATION:

The City normally experiences cash flow deficits during the Fiscal Year in the General Fund as a result of uneven timing of receipt of revenues while expenditures occur at level amounts throughout the year. The uneven pattern of revenue is primarily due to the receipt of secured property tax payments, which occur in December and April of each year, and reimbursements from the State of California and Federal Government agencies. In order to pay operating expenses prior to the receipt of the revenues, the City issues short term financing in the form of Tax Anticipation Notes (TAN). The TAN Program is self supporting in that the interest revenue earned on the reinvestment of the notes proceeds pays for the debt service and any costs or expenses associated with the issuance of the notes.

Aud. Cert. 9701108.

FILE LOCATION: MEET CONFY97-4

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-109:

SUBJECT: Cable Television Basic Service Tier Rates of Cox Communications.

(See City Manager Report CMR-97-97.  
Districts-2,3,4,6,7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1111) ADOPTED AS RESOLUTION R-288692

Approving the maximum permitted basic service tier rates as calculated by Cox Communications contained in the July 1, 1996 Rate Filing, pursuant to Section 76.933, 76.936, 76.937, 76.940 and 76.942 of the Rules and Regulations of the Federal Communications Commission (FCC).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-110:

SUBJECT: Grant Proposal to California Department of Alcoholic Beverage Control.

(All Council District and Community Areas with Special Focus on Mission Beach and Gaslamp.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1116) ADOPTED AS RESOLUTION R-288693

Authorizing the Chief of Police through the City Manager, to submit and, if selected to accept funding for the Vice/Alcoholic Beverage Control Project, for the purpose of reducing access to alcohol by minors city-wide, with special emphasis on the highly impacted targeted areas of Mission Beach and Gaslamp; and to reduce alcohol-related youth offenses;

Authorizing the Chief of Police to execute the resultant program and contract, including any extensions or amendments, and any subsequent contract with the State.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-111:

SUBJECT: Settlement of the Claim of Joann McMinn.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1162) ADOPTED AS RESOLUTION R-288694

A Resolution approved by the City Council in Closed Session  
on Tuesday, May 6, 1997 by the following vote: Mathis-yea;  
Wear-yea; Kehoe-yea; Stevens-not present; Warden-not  
present; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$37,750  
in the settlement of each and every claim against the City,  
its agents and employees, in San Diego Superior Court Case  
No. 680541, Joann McMinn v. James Dossett, et al., resulting  
from an incident which occurred on September 8, 1993;

Authorizing the City Auditor and Comptroller to issue one  
check in the total amount of \$37,750 made payable to Joann  
McMinn and her attorneys, Tom Adler and James Eischen, Jr.,  
in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Damage  
Claim of Joann McMinn against the City of San Diego, its agents  
and employees, as a result of an incident which occurred on  
September 8, 1993.

Aud. Cert. 9701104.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-112:

SUBJECT: Pacific Beach Traffic Signal Retiming Project.

(Pacific Beach Community Area. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1145) ADOPTED AS RESOLUTION R-288695

Authorizing the City Manager to accept Program  
Supplement No. 127 for the Pacific Beach Traffic Signal  
Retiming Project;

Authorizing the City Auditor and Comptroller to amend  
the FY 1997 Capital Improvements Program by adding  
CIP-63-047.0, Pacific Beach Traffic Signal Retiming  
Project;

Authorizing the City Auditor and Comptroller to  
transfer and expend \$19,476 of federal Congestion  
Mitigation and Air Quality (CMA) fund (Fund No. 38669,  
and \$2,524 of state Transportation Systems Management  
(TSM) fund (Fund No. 38554) to CIP-63-047.0, contingent  
upon receipt of signed Program Supplement No. 127.

CITY MANAGER SUPPORTING INFORMATION:

This action accepts \$22,000 of federal and state grant funding to  
provide for necessary data collection for timing 44 traffic  
signals throughout the Pacific Beach Community. The traffic  
signals will be retimed for optimum traffic flow and reduced  
emissions, fuel consumption, and delay. Retiming will be done by  
budgeted City staff.

Aud. Cert. 9701057.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-113:

SUBJECT: Converting the Alley West of the 3500 Block of Boundary  
Street Between Boundary Street and Myrtle Avenue.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1099) ADOPTED AS RESOLUTION R-288696

Converting the alley west of the 3500 block of Boundary  
Street between Boundary Street and Myrtle Avenue to a  
one-way southbound alley;

Authorizing the installation of the necessary signs and  
markings; the regulations imposed shall become  
effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will designate the alley west of the 3500 block of  
Boundary Street, north of Myrtle Avenue, to one-way southbound  
operation. We recommend in favor of the conversion due to the  
awkward 120 degree right turn onto Boundary Street that  
northbound traffic on the alley must currently make. The one-way  
conversion was requested by residents in the area. The Greater  
North Park Planning Committee was notified of the proposed change  
and had no comments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-114:

SUBJECT: Amendment No. 2 to the Agreement with Boyle Engineering Corporation for the Reclaimed Water Retrofit Project.

(University, Mira Mesa, Scripps Miramar Ranch, and Miramar Ranch North Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1153) ADOPTED AS RESOLUTION R-288697

Authorizing the City Manager to enter into Amendment No. 2 with Boyle Engineering Corporation, for additional tasks for the reclaimed water retrofit project;

Authorizing the City Auditor and Comptroller to expend \$250,000 from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems.

CITY MANAGER SUPPORTING INFORMATION:

This request is to amend the agreement with Boyle Engineering Corporation to increase the total cost from \$250,000 to \$500,000 to accommodate the reclaimed water retrofit projects. Existing potable water irrigation systems or other facilities intended for the use of reclaimed water must be "retrofitted" for such use before reclaimed water is provided to the user. Improvements required may include installation of backflow preventer devices, separation of the reclaimed water system from the potable water system, the identification of reclaimed water system components by marking and tagging and the installation of signs to inform the public that reclaimed water is being used, and the installation of new piping systems as required. The retrofitting process includes the assessment and evaluation of existing facilities and the design, plan checking, construction, inspection and testing of the required modifications by City Staff and County Health Department Staff. The cost of retrofitting varies greatly depending on present user site conditions. Reclaimed Water Engineering Staff of the Water Operations Division, Water Department is aggressively pursuing these potential customers and working with existing Consultants specializing in reclaimed water retrofitting to have these customers ready to accept reclaimed water by July 31, 1997. In order to meet this extensive schedule, and accomplish these tasks in this short time frame, it is necessary to amend this existing consultant agreement. Because of the lengthy consultant hiring process, and the expertise required to perform Reclaimed Water

Retrofitting, we wish to amend this existing agreement by \$250,000. The original agreement with Boyle Engineering Corporation, Document No. C-07319, dated September 3, 1996 was for \$125,000. Amendment No. 1, Document No. C-07795, dated February 21, 1997 was for an additional \$125,000. Boyle Engineering Corporation was originally interviewed and selected in accordance with Council Policy 300-7. Because of the unknowns and complexity of retrofitting, these amendments are necessary for the on-time completion of the reclaimed water retrofit process.

Aud. Cert. 9701070.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

\* ITEM-115:

SUBJECT: Authorizing an Agreement with the County of San Diego, City of Chula Vista, and the Sweetwater Authority, for the Lowering of Two Water Lines at the Sweetwater River.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1090 Cor.) ADOPTED AS RESOLUTION R-288698

Authorizing an agreement with the County of San Diego, City of Chula Vista, and the Sweetwater Authority, for the lowering of two water lines at the Sweetwater River;

Authorizing the use of City Forces to do the work in connection with the above retrofitting; declaring that the cost of the work shall not exceed \$20,000;

Authorizing the expenditure of not to exceed \$117,500 from Fund No. 41500, CIP-73-083.0, Annual Allocation for Water Main Replacements, to provide funds for the above agreement and related costs, including work by

City Forces.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego's 36-inch Otay 2nd water line crosses the Sweetwater River west of the Willow Street Bridge in the County of San Diego. In addition, the Sweetwater Authorities 32-inch water line parallels our line at the same location. Due to numerous years of scouring within the channel basin, the present elevations of these water lines obstruct the flow of the river. This combined with dense vegetation in the channel contributes to flooding of the upstream Chula Vista Golf Course and drainage problems within the City of Chula Vista. An agreement was prepared between the City of San Diego, the County of San Diego, the City of Chula Vista and the Sweetwater Authority to lower approximately 200 feet of both water lines in order to alleviate the obstruction. For this agreement, the City will receive future right-of-way easements for ultimate capacity of the Otay 2nd Pipeline at an alignment to be determined by an alternative alignment study. Currently, the City is under consideration for replacing the entire Otay 2nd Pipeline from the South San Diego Reservoir to Chollas Parkway and would require various easements from the County of San Diego and the City of Chula Vista.

Aud. Cert. 9701025.

WWF-97-277.

FILE LOCATION: MEET CONFY97-3

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-116:

SUBJECT: Proposed Lease Renewal with Rohr, Inc. for a Jet-Engine  
Test Site at Brown Field Airport.

(District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:



(R-97-1149) ADOPTED AS RESOLUTION R-288699

Authorizing a three-year lease with Rohr, Inc. for a jet-engine test site at Brown Field Airport.

CITY MANAGER SUPPORTING INFORMATION:

Rohr, Inc. is a major aerospace engineering firm in San Diego County. For several years they have operated a jet engine testing facility at a site on the north side of Brown Field Airport. The present lease recently expired and is on holdover. Rohr has requested that the City renew their lease for an additional three years. The proposed new lease is for a three year term and reflects a rental increase from \$2,072 to \$2,310 per month, with a Consumer Price Index increase at the end of the eighteenth month. In addition, the agreement requires Rohr's fuel supplier to pay fuel flowage fees of 2 cents per gallon to the City on all fuel delivered to Rohr. The lease contains a 180-day early termination provision should the premises be needed in connection with future expansion and/or operation of the airport. All lease provisions contained in the new agreement reflect current leasing standards.

FILE LOCATION: LEAS - Rohr, Inc. LEASFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-117:

SUBJECT: Amendment No. 2 to the Agreement with HYA Consulting Engineers.

(University, Mira Mesa, Scripps Miramar Ranch, and Miramar Ranch North Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1163) ADOPTED AS RESOLUTION R-288700

Amendment No. 2 to the agreement with HYA Consulting Engineers, for additional services in connection with the City's reclaimed water retrofit projects;

Authorizing the expenditure of an amount not to exceed \$250,000 from Water Revenue Fund No. 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems.

CITY MANAGER SUPPORTING INFORMATION:

This request is to amend our agreement with HYA Consulting Engineers to increase the total cost from \$500,000 to \$750,000 to accommodate the reclaimed water retrofit projects. Existing potable water irrigation systems or other facilities intended for the use of reclaimed water must be "retrofitted" for such use before reclaimed water is provided to the user. Improvements required may include installation of backflow preventer devices, separation of the reclaimed water system from the potable water system, the identification of reclaimed water system components by marking and tagging and the installation of signs to inform the public that reclaimed water is being used, and the installation of new piping systems as required. The retrofitting process includes the assessment and evaluation of existing facilities and the design, plan checking, construction, inspection and testing of the required modifications by City Staff and County Health Department Staff.

The cost of retrofitting varies greatly depending on present user site conditions. Reclaimed Water Engineering Staff of the Water Operations Division, Water Department is aggressively pursuing these potential customers and working with existing Consultants specializing in reclaimed water retrofitting to have these customers ready to accept reclaimed water by July 31, 1997. In order to meet this extensive schedule, and accomplish these tasks in this short time frame, it is necessary to amend this existing consultant agreement. Because of the lengthy consultant hiring process, and the expertise required to perform Reclaimed Water Retrofitting, we wish to amend this existing agreement by \$250,000. The original agreement with HYA Consulting Engineers, Document No. C-07268, dated August 14, 1996 was for \$250,000. Amendment No. 1, Document No. C-07701, dated January 22, 1997 was for an additional \$250,000. HYA Consulting Engineers was originally interviewed and selected in accordance with Council Policy 300-7. Because of the unknowns and complexity of retrofitting, these amendments are necessary for the on-time completion of the reclaimed water retrofit process.

Aud. Cert. 9700953.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-nay, Vargas-yea, Mayor Golding-not present.

\* ITEM-118:

SUBJECT: Authorizing a Water Facilities Improvement Agreement  
with Kaufman and Broad for the Design of the Scripps  
Poway Parkway Pump Station.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1193) ADOPTED AS RESOLUTION R-288701

Authorizing a Water Facilities Improvement Agreement  
with Kaufman and Broad for the design, preparation of  
plans and specifications for the Pump Station, and for  
the acquisition of the proposed site for the Scripps  
Poway Parkway Pump Station.

CITY MANAGER SUPPORTING INFORMATION:

Kaufman and Broad of San Diego, Inc. a California corporation  
(Kaufman and Broad), is the owner of a 162.8-acre parcel of  
property commonly known as Rancho La Cresta, located within  
Miramar Ranch North. Water studies, accepted by the Water  
Department, identify water facilities needed for completion of  
the entire water system necessary to serve planned development in  
the Miramar Ranch North area. Based on these water studies, the  
construction of the Scripps Poway Parkway Pump Station (Pump  
Station) is required. In order to satisfy Conditions 16.f and  
16.g of Vesting Tentative Map VTM-88-0767, Kaufman and Broad has  
agreed to design, prepare plans and specifications for the Pump  
Station, and to acquire the proposed site. The subject agreement  
formalizes the understandings between the City and Kaufman and  
Broad. These public water system improvements are necessary and  
are for the benefit of the City as a whole.

WWF-DSD-97-279.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-119:

SUBJECT: Lease Agreement with Panda Express Investment Group for  
Office Space for a Community Service Center in District  
8.

(Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1086) ADOPTED AS RESOLUTION R-288702

Authorizing a three-year lease agreement with Panda  
Express Investment Group for office space at 2985  
Coronado Avenue of approximately 1,463 square feet at a  
monthly rent of \$1,389.85 or \$.95 per square foot, for  
a Community Service Center in District 8;

Authorizing the expenditure of \$8,339.10 from FY 97  
CDBG Fund from January 1, 1997 to June 30, 1997 for  
rental purposes.

CITY MANAGER SUPPORTING INFORMATION:

Since 1993, the City has been operating a Community Service  
Center at 2985 Coronado Avenue, Suite D, in the Nestor Community.  
The establishment of the Center at this location has made it more  
convenient for the community to receive City services.  
Therefore, a renewal of the lease agreement is proposed. A  
summary of the renewal lease is as follows:

USE: Building permit and code information, complaint resolution,  
small business assistance, water bill payment, parking  
citations, purchase of transit passes for City employees  
only, and additional services tailored to the needs of the  
community.

LOCATION: 2985 Coronado Avenue

SIZE: 1,463 square feet

RENT: \$1,389.85 per month (\$0.95 per square foot) plus  
utilities  
Annual escalations - \$0.05 per square foot

COMMENCEMENT DATE: January 1, 1997

TERM: Three years with an annual termination clause.

The location of this office is at a major intersection with good visibility. The rental rate offer is below-market for this area.

Aud. Cert. 9701024.

FILE LOCATION: LEAS - Panda Express Investment Group  
LEASFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-120:

SUBJECT: Alvarado Water Filtration Plant Upgrade and Expansion  
Amendment No. 2.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1199) ADOPTED AS RESOLUTION R-288703

Authorizing an amendment to the agreement of May 19,  
1992, with Malcolm Pirnie, Inc. (formerly Powell/Pirnie  
Associates), for additional engineering services in  
connection with the Alvarado Water Filtration Plant  
Upgrade and Expansion;

Authorizing the Auditor and Comptroller to transfer an  
amount not to exceed \$986,904 within Water Revenue Fund

No. 41500, from CIP-73-083.0, Annual Allocation for Water Main Replacement, to CIP-73-261.0, Alvarado Filtration Plant;

Authorizing the expenditure of an amount not to exceed \$986,904 from Water Revenue Fund No. 41500, CIP-73-261.0, Alvarado Filtration Plant.

CITY MANAGER SUPPORTING INFORMATION:

On May 19, 1992, the City Council awarded an engineering services contract to the joint venture of Powell/Malcolm Pirnie, Inc. for design services on the Alvarado Water Filtration Plant Upgrade and Expansion, Document No. RR-279918. The first contract, the Alvarado Reservoir, is nearly completed, and the two 21 million gallon reservoirs were recently placed in service. Due to lack of funding, the project has been redesigned to incorporate multiple contracts over a longer period of time. On June 27, 1994, the original agreement was amended, (Document No. RR-284172), to provide additional engineering design services to upgrade the College Ranch and Lake Murray Pump Plants, develop multiple construction packages for the plant upgrade and expansion, review shop drawings and provide engineering support for construction of the Alvarado Reservoirs, and amend the Water Quality Report to include new regulation.

Amendment No. 2 will provide for continuing engineering services relating to the Alvarado Filtration Plant upgrade and expansion, specifically, extended service for Amendment No. 1, construction engineering services for filter valves and ammonia system improvements, Lake Murray Outlet Tower investigation and improvements, maintenance of plant operations for Lake Murray Pump plant upgrade, additional engineering, environmental monitoring, and project management for the Alvarado Reservoir construction, development of contract documents for the Operations Building upgrade and the Lake Murray and College Ranch Pump Plants improvement. Subconsultants include 23.8% WBE and 10.3% MBE.

Aud. Cert. 9701091.

WWF-97-291.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,

McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-121:

SUBJECT: Point Loma - Chemical Feed Systems Upgrade.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1200) ADOPTED AS RESOLUTION R-288704

Authorizing Amendment No. 1 to the agreement of September 11, 1995 with Malcolm Pirnie, Inc., for design services in connection with the Point Loma Chemical Feed Systems Upgrade;

Authorizing the City Auditor and Comptroller to transfer the amount of \$30,000 within Sewer Fund No. 41508, from CIP-40-923.0, Point Loma Outfall Reballasting, to CIP-46-182.0, Point Loma - Chemical Feeds Systems Upgrade;

Authorizing the expenditure of an amount not to exceed \$100,000 from Sewer Fund No. 41508, CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for upgrading the ferric chloride and polymer chemical feed systems at the Point Loma Wastewater Treatment Plant (PLWTP). Proposed improvements include replacing two ferric chloride tanks, installing a third ferric chloride tank, upgrading chemical unloading facilities, adding automatic flow-pacing of ferric chloride and polymer, and upgrading of the existing polymer feed building. Currently chemical storage facilities are inadequate. Ferric chloride storage tanks are rapidly deteriorating and need to be replaced. Additional storage is necessary to assure uninterrupted chemical addition into the wastewater to achieve the required treatment levels. Automatic flow-pacing and multiple discharge points will be constructed to allow for operating flexibility and fine tuning of chemical addition to maximize the plant's performance.

Resolution R-286298, adopted on September 11, 1995, authorized the City Manager to execute an agreement with Malcolm Pirnie to

provide design services for this project for an amount of \$373,890. In order to complete the project design, an additional \$100,000 is needed for additional design services. These services are needed to implement project revisions related to operational changes, and for instrumentation and control.

Aud. Cert. 9701110.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-122:

SUBJECT: School Safety Patrol Summer Camp.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1198) ADOPTED AS RESOLUTION R-288705

Authorizing the City Manager to enter into a letter of agreement with the San Diego Unified School District for transporting students to and from School Safety Patrol Summer Camp held at the Palomar County School Camp;

Authorizing the expenditure of approximately \$93,000 from Police Department budgeted funds, Fund 100, Dept. 110, Org. 5530, Job Order 005535, Object Account 4455, and \$7,000 from Fund 10128, Dept. 10128, Job Order 010128, for providing funds for the School Safety Patrol Summer Camp.

CITY MANAGER SUPPORTING INFORMATION:

For over 35 years, the City of San Diego has conducted, through the Police Department, a School Safety Patrol Summer Camp. Attendees are fifth and sixth grade students who have served a minimum of one year as school patrol crossing guards. This camp is held in recognition of the contributions made by these children, and provides an educational and recreational experience



for them. This summer, approximately 850 students and 100 student counselors are expected to attend.

This action provides for entering into an agreement with the San Diego Unified School District for the transporting of the students to and from camp. In the past, the school district has provided the buses, drivers and insurance. The City of San Diego is responsible for the conduct of the students while on the buses, and agrees to share equally in liability in excess of the school district's insurance policy. This action further provides for paying expenses associated with conducting the School Safety Patrol Summer Camp, such as payment to San Diego County Schools, Department of Outdoor Education for the use of the facilities at Palomar Mountain School Camp.

Aud. Cert. 9701059.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-123:

SUBJECT: Third Amendment to the Operating Agreement with  
Wackenhut Corrections Corporation for the Misdemeanor  
Pre-Arraignment Detention Facility.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1155) ADOPTED AS RESOLUTION R-288706

Authorizing a third amendment to the Operating Agreement with Wackenhut Corrections Corporation, which will allow the City to: 1) terminate the Operating Agreement upon 90 days written notice; and 2) enter into agreements with other law enforcement agencies to house their misdemeanor prisoners;

Authorizing the City Manager to exercise the option to renew the Operating Agreement with the Wackenhut Corrections Corporation, for the Misdemeanor

Pre-Arraignment Detention Facility for a period of five years, commencing May 10, 1997, as provided in the second amendment to the Operating Agreement dated June 24, 1991;

Authorizing the expenditure of \$642,226 from Fund 103551 for Fiscal Year 1997, and subsequent annual expenditures dependent upon annual appropriations for this purpose.

CITY MANAGER SUPPORTING INFORMATION:

In 1990, the City of San Diego entered into an agreement with Wackenhut Corrections Corporation, to design, construct and operate a 200 bed misdemeanor pre-arraignment detention facility. On June 24, 1991, under Resolution R-278192, the Operating Agreement was amended to allow for an initial five year period with an option for an additional five years. The initial period will expire May 9, 1997.

This action would authorize the City Manager to exercise the option to renew the operating agreement to commence May 10, 1997 and run until May 10, 2002. It would further authorize the City Manager to enter into a third amendment to the Operating Agreement with Wackenhut. The amendment was initiated by the City and would:

1. Allow for termination of the Operating Agreement with 90 days notice.
2. Specifically authorize the City to enter into an agreement with other law enforcement agencies to house their misdemeanor prisoners in the City jail on a space available basis and for an agreed upon per diem.

Aud. Cert. 9701117.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: C169-256.)

MOTION BY McCARTY TO APPROVE WITH DIRECTION TO THE CITY MANAGER TO KEEP COUNCIL INFORMED AND PROVIDE STATISTICS ON THE ACTION TODAY. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-124:

SUBJECT: Appointment to the Park and Recreation Board.

(See memorandum from Mayor Golding dated 4/16/97 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1209) ADOPTED AS RESOLUTION R-288707

Council confirmation of the appointment by the Mayor of James Vincent Tindaro to serve as a member of the Park and Recreation Board, for a term ending March 1, 1998, replacing Kathryn E. Karcher, whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-125:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager Report Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1161) ADOPTED AS RESOLUTION R-288708

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-126:

SUBJECT: Memorandum of Understanding to Operate the Parking  
Ticket System Application.

(See City Manager Report CMR-97-94.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1159) ADOPTED AS RESOLUTION R-288709

Authorizing the execution of a Memorandum of  
Understanding with San Diego Data Processing  
Corporation, for the implementation and operation of  
the Parking Ticket System application being leased by  
the Corporation from the City of Inglewood, contingent  
upon approval of funding in the FY 98 budget.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: C029-163.)

MOTION BY KEHOE TO APPROVE THE MANAGER'S RECOMMENDATION.  
Second by Stevens. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not  
present.

\* ITEM-127:

SUBJECT: Excusing Councilmember Kehoe from the Council Meeting  
of 5/13/97, the Special Council Meeting of 5/15/97 and  
the LU&H Committee Meeting of 5/14/97.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1216) ADOPTED AS RESOLUTION R-288710

Excusing Councilmember Christine Kehoe from attending the regularly scheduled Council meeting of May 13, 1997, the Special Council meeting of May 15, 1997, and the Land Use and Housing Committee meeting of May 14, 1997, because of meetings for the California Coastal Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-128:

SUBJECT: "G" Street (7th Avenue to Highway 94) Underground Utility District.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1201) ADOPTED AS RESOLUTION R-288711

Establishing July 23, 1997, as the date all property within the "G" Street (7th Avenue to Highway 94) Underground Utility District must be ready to receive underground service, and December 17, 1997, as the date all overhead utility facilities within the district must be removed;

Authorizing the City Auditor to open Fund 78085 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds;

Authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Company;

Authorizing reimbursement payments to all qualified property owners in the underground utility district as reimbursement for electrical service underground

conversion work done on private property from Case 8209 Funds;

Authorizing the City Treasurer to return to SDG&E any undisbursed funds;

Authorizing the transfer of \$16,008 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, to Sublet CIP-37-291.7;

Authorizing the expenditure of \$16,008 from CIP-37-291.7, TransNet Fund 30300, for the purpose of replacing existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

The "G" Street (7th Avenue to Highway 94) Underground Utility District was created by the City Council on November 28, 1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set July 23, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish December 17, 1997 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench of electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

Aud. Cert. 9701111.

FILE LOCATION: STRT - K-238

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-129:

SUBJECT: Federal Boulevard (60th Street to MacArthur Drive)  
Underground Utility District.

(North Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1202) ADOPTED AS RESOLUTION R-288712

Establishing August 5, 1997, as the date all property within the Federal Boulevard (60th Street to MacArthur Drive) Underground Utility District must be ready to receive underground service, and January 30, 1998, as the date all overhead utility facilities within the district must be removed;

Authorizing the City Auditor to open Fund 78086 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds;

Authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Company;

Authorizing reimbursement payments to all qualified property owners in the underground utility district as reimbursement for electrical service underground conversion work done on private property;

Authorizing the City Treasurer to return to SDG&E any undisbursed funds;

Authorizing the transfer of \$10,000 from Annual Allocation - Undergorunding of City Utilities, CIP-37-028.0, to Sublet CIP-37-289.8;

Authorizing the expenditure of \$10,000 from CIP-37-289.8, TransNet Fund 30300, for the purpose of replacing existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

The Federal Boulevard (60th Street to MacArthur Drive) Underground Utility District was created by the City Council on June 27, 1995. The resolution creating the district left the

matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set August 5, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish January 30, 1998 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench of electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

Aud. Cert. 9701112.

FILE LOCATION: STRT - K-231

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-130:

SUBJECT: Mt. Abernathy Avenue (Balboa Avenue to Clairemont Mesa Boulevard) Underground Utility District.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1204) ADOPTED AS RESOLUTION R-288713

Establishing July 31, 1997 as the date upon which all property in the Mt. Abernathy Avenue (Balboa Avenue to Clairemont Mesa Boulevard) Underground Utility District



must be ready to receive underground service and November 10, 1997 as the date for the removal of all overhead utility facilities;

Authorizing the Auditor and Comptroller to open Fund No. 78083 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds;

Authorizing the City Treasurer to receive these funds from San Diego Gas & Electric Company;

Authorizing reimbursement payments to all qualified property owners in the subject underground utility district as reimbursement for electrical service underground conversion work done on private property from Case 8209 Funds;

Authorizing the City Treasurer to return to San Diego Gas and Electric Company any undisbursed funds;

Authorizing the Auditor and Comptroller to transfer not to exceed \$50,801 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, to Sublet CIP-37-296.3;

Authorizing the expenditure of not to exceed \$50,801 from CIP-37-296.3, TransNet Fund 30300 for the purpose of replacing the existing street lights.

#### CITY MANAGER SUPPORTING INFORMATION:

The Mt. Abernathy Avenue (Balboa Avenue to Clairemont Mesa Boulevard) Underground Utility District was created by the City Council on December 5, 1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set July 31, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish December 17, 1997 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical

service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300 - \$1,500.

Aud. Cert. 9701114.

FILE LOCATION:           STRT - K-239

COUNCIL ACTION:        (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-131:

SUBJECT: La Jolla Shores Drive (Calle Frescota to Ruelle Monte Carlo) Underground Utility District.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1203) ADOPTED AS RESOLUTION R-288714

Establishing June 30, 1997, as the date all property within the La Jolla Shores Drive (Calle Frescota to Ruelle Monte Carlo) Underground Utility District must be ready to receive underground service, and September 22, 1997, as the date all overhead utility facilities within the district must be removed;

Authorizing the City Auditor to open Fund 78084 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds;

Authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Company;

Authorizing reimbursement payments to all qualified property owners in the underground utility district as reimbursement for electrical service underground

conversion work done on private property;

Authorizing the City Treasurer to return to SDG&E any undisbursed funds;

Authorizing the transfer of \$10,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, to Sublet CIP-37-288.2;

Authorizing the expenditure of \$10,000 from CIP-37-288.2, TransNet Fund 30300, for the purpose of replacing existing street lights.

CITY MANAGER SUPPORTING INFORMATION:

La Jolla Shores Drive (Calle Frescota to Ruelle Monte Carlo) Underground Utility District was created by the City Council on November 9, 1993. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set June 30, 1997 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish September 22, 1997 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box which typically ranges from \$300-\$1,500.

Aud. Cert. 9701113.

FILE LOCATION: STRT - K-218

COUNCIL ACTION: (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-200:

(Continued from the meeting of May 13, 1997, Item 50, at Councilmember McCarty's request, to allow the City Manager to answer Councilmember McCarty's question regarding using City Forces on projects up to \$100,000.)

SUBJECT: Amending the San Diego Municipal Code Regarding Public Works - Use of City Forces.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/28/97. (Council voted 8-0. Councilmember Wear not present):

(O-97-105 COR. COPY)                      ADOPTED AS ORDINANCE O-18409  
(New series)

Amending Chapter II, Article 2, Division 2, of the San Diego Municipal Code, by amending Section 22.0212 "Public Works - Use of City Forces," to increase from \$15,000 to \$100,000 the amount the City Manager may approve for use of city Forces on public works projects.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: A171-530.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-330:

SUBJECT: Vacating Public Streets within Alvarado Estates Community.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1028 Rev.1) ADOPTED AS RESOLUTION R-288715

Vacating Yerba Santa Drive (north of Mesquite Road), Mesquite Road (west of Yerba Santa Drive), Norris Road, Armin Way, Toyon Drive, Toyoff Way, Le Barron Road, Avion Way, Fremontia Lane, Palo Verde Terrace, and an unimproved street reservation, within Alvarado Estates Community, in accordance with Section 8300 (et seq.) of the Public Streets, Highways and Service Easement Vacation Law.

CITY MANAGER SUPPORTING INFORMATION:

A petition has been submitted to the City by the Alvarado Estates Homeowners Association in accordance with Section 8300 (et seq.) of the Public Streets, Highways and Service Easement Vacation Law. The request for vacation includes several streets with no outlet located in the Alvarado Estates development. The streets proposed for vacation include Yerba Santa Drive (north of Mesquite Road), Mesquite Road (west of Yerba Santa Drive), Norris Road, Armin Way, Toyon Drive, Toyoff Way, Le Barron Road, Avion Way, Fremontia Lane, Palo Verde Terrace, and an unimproved street reservation. The reason for the request is to allow for the installation of gates at the intersection of Yerba Santa Drive and Mesquite Road in order to secure the area and prevent non-local traffic from entering the Alvarado Estates Community.

It is staff's opinion that this proposed vacation of public streets is consistent with the newly adopted Council Policy 600-42, dated November 19, 1996, in all respects except those relating to the physical design of the entry. Therefore staff recommends approval of the street vacations with a condition to redesign the gate to the satisfaction of the City Engineer and the Fire Chief.

FILE LOCATION:           STRT - J-2866           DEEDFY97-1

COUNCIL ACTION:        (Tape location: B017-039.)

Hearing began at 10:56 a.m. and halted at 10:57 a.m.

MOTION BY McCARTY TO APPROVE THE MANAGER'S RECOMMENDATION  
WITH THE FOLLOWING ADJUSTMENTS INCLUDED:

STACKING AREA: ANY ALVARADO ESTATES RESIDENT INTENDING  
TO HOLD AN EVENT ATTENDED BY MORE THAN FIFTY (50)  
PEOPLE IS REQUIRED TO HAVE AN ATTENDANT MAINTAIN THE  
CONTROLLED ACCESS ENTRANCE GATE OPENED THIRTY (30)  
MINUTES BEFORE THE START OF THE EVENT UNTIL ONE (1)  
HOUR AFTER THE START OF THE EVENT;

TURNAROUND: AN ATTENDANT WILL BE LOCATED AT THE CONTROLLED ACCESS GATE'S KIOSK DURING NORMAL BUSINESS HOURS. IN THE ABSENCE OF AN ATTENDANT, TELEPHONE NUMBERS WILL BE LISTED AT THE KIOSK FOR A DRIVER TO CALL IF ACCESS THROUGH THE GATE IS NEEDED (SUCH AS LARGE VEHICLE TURNAROUND).

Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331:

(Continued from the meeting of May 13, 1997, Item 330, at the City Manager's request for proper noticing.)

SUBJECT: An appeal of Frank Sipe from the decision of the Planning Commission in denying Conditional Use Permit CUP-96-0076. (Texaco Station at Viper)

(Mira Mesa Community Area. District-5.)

TODAY'S ACTIONS ARE:

Adopt Subitem A; and adopt Subitem B to approve the appeal and grant the permit:

Subitem-A: (R-97-1363) ADOPTED AS RESOLUTION R-288716

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-96-0161 and DEP-96-0076 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-1364) GRANTED THE APPEAL AND GRANTED THE PERMIT, ADOPTED AS RESOLUTION R-288717

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

CITY MANAGER'S RECOMMENDATION:

1. Review and consider previously certified Mitigated Negative Declaration DEP-96-0161 and DEP-96-0076, dated 12/19/96 covering this activity, adopted on 01/23/97 by Resolution No.2242-1-PC. The environmental document was certified by the Planning Commission with the approval of an associated Tentative Map.
2. Approve Conditional Use Permit CUP-96-0076 subject to conditions.

OTHER RECOMMENDATIONS

Planning Commission voted 5-0 to approve the tentative map and deny the permit; was opposition.

Ayes: Neils, Anderson, Butler, Quinn, White  
Not Present: Skorepa  
Abstention: Watson

The Mira Mesa Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The subject site is located at the southwest corner of Mira Mesa Boulevard and Viper Way. The adopted Mira Mesa Community Plan designates the subject property for Industrial Park development and the property is zoned M-1B, Industrial. The property to the east is developed with a neighborhood commercial shopping center and is zoned CA. Other surrounding properties are zone M-1A and M-1B, Industrial, and are either vacant or developed with a mixture of light industrial, office and warehouse uses.

The subject site is part of a 390 acre tract of land, located on both side of Mira Mesa Boulevard in this area, that was approved for M-1A and M-1B zoning, subdivision and a Planned Industrial Development Permit (PID) case No. 82-0440 in 1984. The subject property has since been rough graded but remains undeveloped.

Approved PID conditions provide for development of the subject property with uses permitted by the underlying M-1B Zone. Adopted City-wide zoning regulations allow for the consideration of automobile service stations in the M-1B Zone by means of the Conditional Use Permit process.

LEGAL DESCRIPTION:

The site is located at the southwest corner of Mira Mesa Boulevard and Viper Way in the Lusk Mira Mesa Business Park East I, and is more particularly described as Unit No. 3, Map-11437 in the Mira Mesa Community Planning Area.

FILE LOCATION: Subitems A,B: PERM - CUP-96-0076

COUNCIL ACTION: (Tape location: B040-436.)

Hearing began at 10:58 a.m. and halted at 11:27 a.m.

Testimony in opposition by Karen ZoBell and K.B. Narain.

Testimony in favor by Matt Peterson, Dave Mattson, Terry Aston, and Brandon Keith.

MOTION BY McCARTY TO APPROVE THE MANAGER'S RECOMMENDATION AND INCLUDE THE FINDINGS SUBMITTED BY THE APPLICANT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-332: REFERRED TO CLOSED SESSION

SUBJECT: Real Property Transaction - Conference with Real Property Negotiator Regarding Property Located Near the International Border.

In the matter of directing the City Manager, representing the City's interest, in negotiations with representatives of the United States Government, Department of Justice or Department of the Army, regarding Lot Numbers APN-667-071-32, APN-646-143-12, APN-646-143-14, and APN-646-142-33.

As a requirement of the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on June 3, 1997.



FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B450-451.)

Hearing began at 11:28 a.m. and halted at 11:29 a.m.

MOTION BY WEAR TO REFER THE ITEM TO CLOSED SESSION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-CS-1: (R-97-1227) ADOPTED AS RESOLUTION R-288718

A Resolution adopted by the City Council in Closed Session on May 27, 1997:

Authorizing the City Manager to pay the sum of \$22,775.00, in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage to National School District; and authorizing the City Auditor and Comptroller to issue one check in the amount of \$22,775.00, made payable to National School District in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at 12:26 p.m. in honor of the memory of:

Ned Joy, Ph.D., as requested by City Clerk Abdelnour;

Marjorie Hauk as requested by Council Member Stallings;

Gordon Pettit as requested by Council Member Wear; and

Blanchie P. Laster as requested by Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D087-123).